



**CITY COUNCIL  
ATLANTA, GEORGIA**

**A RESOLUTION AS AMENDED**

**03-R-0087**

**BY TRANSPORTATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE AN AMENDATORY AGREEMENT WITH DELTA AIR LINES, INC., COVERING THE RELINQUISHMENT TO THE CITY OF APPROXIMATELY 3.03 ACRES OF LAND LEASED TO DELTA BY THE CITY UNDER THE AMENDED AND RESTATED LEASE AGREEMENT, DATED DECEMBER 1, 1989, FOR DELTA'S TECHNICAL OPERATIONS CENTER AT HARTSFIELD ATLANTA INTERNATIONAL AIRPORT.**

**WHEREAS**, the City of Atlanta (the "City") and Delta Air Lines Inc. ("Delta") are parties to an Amended and Restated Lease Agreement ("TOC Lease"), dated December 1, 1989, for Delta's Technical Operations Center ("TOC"), which serves as Delta's primary aircraft maintenance facility at Hartsfield Atlanta International Airport ("Hartsfield"); and

**WHEREAS**, the City has undertaken the design and construction of a new East International Terminal ("EIT") and related aircraft ramp, entrance roadway, and vehicle parking facilities to improve service to international airlines and their passengers at Hartsfield; and

**WHEREAS**, the Federal Aviation Administration ("FAA") and the City have jointly determined that the new Air Traffic Control Tower ("ATCT"), to be constructed in support of the fifth runway project at the Airport, must be sited adjacent to and partially upon land comprising the Delta TOC at Hartsfield; and

**WHEREAS**, the City requires the use of a portion of Delta's TOC Leased Premises in connection with both the EIT project and the ATCT, and Delta is ready and willing to relinquish the portion of the Delta TOC Leased Premises needed by the City for the ATCT and the first phase of the EIT project which is the subject of this legislation; and

**WHEREAS**, the City and Delta desire and intend to enter into an agreement amending the TOC Lease and memorializing the relinquishment of the portion of Delta's TOC needed for the first phase of the EIT project and the ATCT (the "Amendatory Agreement"); and

**WHEREAS**, the FAA and the City desire and intend to enter into an agreement covering the leasing of the site upon which the ATCT will be located, and which comprises a portion of the Delta TOC Leased Premises to be relinquished hereunder, and the execution of such agreement is contingent upon the execution of the Amendatory Agreement contemplated hereunder; and

**WHEREAS**, in order to mitigate and cure the damages to Delta caused by the partial taking of the Delta TOC Leased Premises for the EIT project and the ATCT, Delta and the City also desire and intend to simultaneously enter into a companion Reimbursable Agreement, under which Delta would design and construct and the City would compensate Delta for certain replacement and interim facilities, including but not limited to replacement of a materials storage facility, a new parking deck and new or refurbished surface parking areas, and



operate a temporary employee busing service, at a cost to the City not to exceed Thirteen Million, Five Hundred and Eleven Thousand, and Thirty Six Dollars (\$13,511,036.00); and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,** that the Mayor or her designee be and hereby is authorized to execute on behalf of the City of Atlanta an Amendatory Agreement with Delta Air Lines, Inc., which shall provide for the relinquishment by Delta to the City of approximately 3.03 acres of land within its Leased Premises under the Amended and Restated Lease Agreement for the Technical Operations Center at Hartsfield Atlanta International Airport, and for the temporary continued use by Delta of certain portions said property for time periods that will not exceed one (1) year thereafter.

**BE IT FURTHER RESOLVED** that the City Attorney be and hereby is directed to prepare said Amendatory Agreement for execution by the Mayor.

**BE IT FINALLY RESOLVED** that said Amendatory Agreement shall not become binding upon the City, and the City shall incur no obligation or liability thereunder until the same has been signed by the Mayor and delivered to Delta.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED as amended by the Council  
APPROVED by the Mayor

FEB 03, 2003  
FEB 11, 2003

RCS# 4448  
2/03/03  
3:20 PM

Atlanta City Council

Regular Session

MULTIPLE

03-R-0086; 03-R-0087  
03-R-0089  
ADOPT AS AMEND

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 0  
ABSENT 0

NV Smith	Y Archibong	Y Moore	NV Mitchell
NV Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

MULTIPLE